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In re Application of
Kevin A. Thomas et al.
Application No. 10/762,204
Filed: January 20, 2004
Attorney Docket No. MA9665P

OFFICE OF PETITIONS

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the petition filed October 1, 2004 (certificate of mail date September 27, 2004) under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on January 1, 2004, naming Kevin A. Thomas, Brian L. Starling, James E. Stephan and Kenneth K. Kleinhenz as joint inventors but without a signed declaration. Accordingly, on April 26, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on October 1, 2004, an oath or declaration executed by joint inventors Thomas, Starling and Kleinhenz, a petition under 37 CFR 1.47(a) and a request for a three month extension of time was filed. The petition argues that joint inventor Stephan refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Stephan and that he has expressly, in writing, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this

application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Please note however that the application serial no. placed on the petition is incorrect. Please be careful to properly indicate the application serial no. on correspondence when communicating with the USPTO in the future, to minimize any potential for confusion that may cause a delay in an action regarding the above identified patent application.

The application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions